IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.38/2004

Mrs. Bertha Emilia Fernandes,
major of age, residing at House,
No.141, Grande Vanelim,
Colva, Salcete, Goa. .... Petitioner.

V/s.

1. Union of India, through the
Secretary, Ministry
of Environment, with office at
Paryavaran Complex,
Lodi Road, New Delhi 110 003

2. The Goa Coastal Zone
Management Authority through its
Member Secretary, C/o. Department
of Science, Technology & Environment
Oppo. Saligao Seminary,
Saligao, Bardez, Goa.

3. State of Goa, through its Chief
Secretary, with Office at
Secretariat, Panaji, Goa.

4. The Chief Engineer, Public
Works Department, Altinho,
Panaji, Goa.

5. The Chief Electrical Engineer,
Electricity Department, with
Office at Vidyut Bhavan,
Panaji, Goa.

6. The Village Panchayat of
Sernabatim-Vanelim-Colva-
Gaundalim, through its
Sarpanch, having his office
at Colva, Salcete, Goa. .... Respondents.

Mr. J.E. Coelho Pereira, Sr. Advocate with Ms. Bindiya Bhise, Advocate for the petitioner.

Mr. A.N.S. Nadkarni, Advocate General with Mr. P.A. Kamat, Govt. Advocate for respondents No.2 to 5.

CORAM : N.N. MHATRE &
P.V. HARDAS, JJ.

DATE : JANUARY 28, 2004.

ORAL JUDGMENT : (Per MHATRE, J.)

Leave to delete respondents No. 1 and 6.

2. Rule, returnable forthwith. Learned Advocate General waives service on behalf of respondents No.2 to 5. We are satisfied that a proper hearing has not been given to the petitioner prior to issuing the impugned order dated 10.12.2003. The impugned order is, therefore, set aside. Matter is remanded to the 2nd respondent to grant the petitioner a fresh hearing in the matter. The petitioner shall be heard by the respondent No.2 and may urge all the contentions which are raised in the present petition. Respondent No.2 will consider them and pass orders in accordance with law. Hearing shall be given to the petitioner and orders will be passed within ten weeks from today. The petitioner shall appear before the Authority on 3rd February, 2004. Rule made absolute accordingly. No order as to costs.

NISHITA MHATRE, J.

P.V. HARDAS, J.

ssm.